

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

-AGAINST-

ORDER
CR-03-189-01(DRH)

BRUCE WERNICK,

DEFENDANT.

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A P P E A R A N C E S:

For the Government:

Roslynn R. Mauskopf
United States Attorney
610 Federal Plaza
Central Islip, New York 11722-4454
By: Lara Treinis Gatz, A.U.S.A.

For Defendant:

Sally Butler, Esq.
4240 Bell Blvd.
Bayside, New York 11361

Prior Defense Attorney:

Bruce A. Barket, Esq.
666 Old Country Road, Suite 600
Garden City, New York 11530

HURLEY, Senior District Judge

Defendant Bruce Wernick ("defendant") was convicted on April 15, 2005 and has not, as yet, been sentenced. One of the reasons for the inordinate delay in sentencing – and apparently the primary reason – is attributable to current counsel, Sally Butler, being unable to review prior defense counsel's file on this matter.

Although I am advised that Ms. Butler has managed to partially reconstruct the file via reference to Court documents and documents in the possession of the United States Attorney's Office, it appears that she may not have all the documents

necessary to appropriately represent defendant at sentencing. In that regard, she reports that, following her review with defendant of the documents presently in her possession, defendant advised her – correctly or otherwise – that a number of items are missing.

In an effort to resolve this "logjam" so that the case may proceed to sentencing, the above listed attorneys are directed to appear before me on Thursday, May 3, 2007 at 10:30 a.m. for a conference. Mr. Barket (or if he is unavailable, Toni Marie Angli, or someone else from his office familiar with the contents of the Wernick file), shall bring the file to the May 3, 2007 conference so that this matter may be resolved.

SO ORDERED.

Dated: March 27, 2007
Central Islip, New York

_____/S/_____
DENIS R. HURLEY, U.S.D.J.